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REMARKS

JAN 12 2007

Claims 1-13 were pending and considered. Claims 1-13 were rejected. In response, claims 1 and 3 have been amended. Accordingly, following entry of this amendment claims 1-13 remain pending. Reconsideration and allowance are respectfully requested.

Claims 1-13 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,868,659 (Slomski) in view of U.S. Patent 5,487,465 (Broskow). In response, claims 1 and 3 have been amended. Applicants are of the opinion that the pending claims recite an invention not taught by the prior art and should be allowed.

Slomski teaches, "The carrier 20 is formed from a container engaging portion 24 and a handle portion 26 which are manufactured separately from each other by stamping each out of a planar sheet of material and are joined together to form the completed carrier 20..." (Column 3, lines 41-45). Slomski further states, "Each web 52, 56 is then punched separately by a punch press die 60, 62 of known construction to form separate continuous strips of container engaging portions 24 and handle portions 26." (Column 5, lines 19-22.) Slomski goes on to describe, "The handle portion 26 can be readily changed to accommodate unique customer designs..." (Column 5, lines 33 – 35.) Slomski continues, "Thereafter, each handle portion 26 is moved by suitable means to join with the respective container engaging portion 24 by inserting the tab portions 46 into and through the slots of 38 between the rows of apertures 28..." (Column 5, lines 43-46.) Slomski clearly teaches punching the container engaging portion and the handle portion separately before attaching the carrier and handle sheets together. In the teaching of Slomski, punching the handle and container engaging portions is performed first, and attachment of the handle portion to the container engaging portion is performed thereafter.

Broskow teaches a carrier "...formed by joining two separate sheets of plastic material together at the seam or joined portion 26. However, it is within the scope of the invention that a single sheet of plastic material may be used to form the carrier by folding the sheet in half and applying a layer of plastic or otherwise fusing the sheets together to form the joined portion 26." (Column 3, lines 40-46.) Also, "If the carrier 20a is made of two separate sheets of plastic material,

which is the preferred embodiment, the handle portion 46 also includes the two separate sheets of plastic material. Alternatively, if the carrier 20a is made out of a single sheet of plastic material, the handle portion 46 is formed when the sheet is folded in half. In either method, the handle portion 46 includes two sides portions 50, 52." (Column 3, lines 60-66.) Further, "The carriers 20a are formed in a continuous method as described hereinbelow and as illustrated in FIG. 5. Preferably, a first sheet 58 of plastic material and a second sheet 60 of plastic material are used. The first sheet 58 and the second sheet 60 are combined together." (Column 4, lines 30-33.) The carrier of Broskow is formed from two sheets or from a folded sheet, but in either case a sheet includes both a handle portion and a container engaging portion, with the handle portion having apertures different from the apertures of the container engaging portion (see Broskow drawings). If two sheets are used, each sheet includes both a handle portion and a container engaging portion. If one sheet is used folded upon itself, a handle portion and a container engaging portion are formed in the single sheet.

In contrast to the teachings of Slomski and Broskow, **Claim 1** specifically recites positioning a handle sheet on a carrier sheet, connecting the sheets, and "**forming a container holding portion only in the carrier sheet ... after said steps of positioning and connecting**". Accordingly, it occurs after the two sheets are connected together. Since forming a handle portion is performed "**simultaneously with forming the first row of apertures**" it is clear that all punching occurs after the two sheets are connected together. **Claim 1** now has been amended to recite, "**forming a container holding portion only in the carrier sheet**" and "**forming a handle portion only in the handle sheet**".

Claim 8 similarly recites that the forming steps are performed "**after said steps of positioning and connecting**."

With respect to the recitation in claim 8 that the first handle portion and the second handle portion have holes similarly shaped to the first row of apertures and third row of apertures, respectively, the Examiner refers to Figs. 3 & 4 of Slomski. However, Applicants respectfully submit that the Examiner has misinterpreted the views in Figs. 3 and 4 of Slomski. Specifically, as can be seen in Fig. 4 as the portions leave punch press dies 60 and 62, the handle portions have no

holes therein similarly shaped to the container engaging apertures of the container receiving portion. The handle portion has only elongated, narrow slots. Since no further punching occurs thereafter, it is clear that the holes that appear to be shown in the lower portion of Fig. 4 are in fact the apertures of the carrier portion visible through the clear plastic of the handle portion. Applicants also refer the Examiner's attention to the surface shading of the handle portion visible in Fig. 3 extending across the areas that appear to show holes, but are in fact the outlines of the apertures in the container engaging portion there below, but visible through the clear handle portion. Note also that the L-shaped and linear slots of the handle portion clearly seen at the top of Fig. 4 are also shown overlapping the container engaging apertures visible through the clear handle portion. Thus, it is respectfully submitted that in each view of Slomski the handle portion has no holes therein similarly shaped to the container engaging apertures of the carrier portion.

Positioning and connecting two sheets together, and punching a handle portion and a carrier portion thereafter is entirely contrary to the teaching of Slomski '659. For this, the Examiner relies on the teaching of Broskow. However, Broskow also teaches that each sheet is used to form one half of a double layer handle portion and a separate, outwardly depending carrier portion from the handle portion. Accordingly, there is not a "handle sheet and a carrier sheet" as recited in the pending claims.

Broskow teaches forming handle portions and carrier portions in both before the sheets are attached one to the other. Neither reference alone or in combination teaches forming a carrier by attaching a discrete handle sheet and a discrete carrier sheet one to the other before forming the container receiving apertures and the handle configuration. Neither teaches forming the handle portion and the carrier portion with similar shaped holes and apertures. Neither teaches a method for making a carrier whereby two sheets are first attached, then punched while forming the handle portion only in one of the sheets and the carrier portion only in the other of the sheets. For the foregoing reasons, Applicants respectfully submit that claims 1 and 8 are patentable over the prior art and should be allowed. Reconsideration and allowance are respectfully requested.

Claims 2-7 and 9-13 depend from claims 1 and 8, respectively. Each dependent claim therefore includes all of the limitations of the independent claim from which it depends, while

adding further specificity to the invention recited therein. Since independent claims 1 and 8 are believed to be allowable for the reasons stated above, it is submitted that dependent claims 2-7 and 9-13 is each allowable together with the independent claim from which it depends. Further however, is respectfully submitted that the Examiner's analysis with respect to at least some of the dependent claims fails to render those claims obvious.

With respect to claim 3, since Slomski does not teach a distinct handle sheet and a distinct carrier sheet it cannot teach "removing a portion of the handle sheet between the first and second spaced lines of attachment" as recited in claim 3. Nor does it appear in the teaching of Slomski that there is any "removing" of a portion of a sheet between spaced lines of attachment, as recited in claim 3. Further, however, claim 3 now has been amended to recite more clearly that the step of removing a portion of the handle sheet between the spaced first and second lines of attachment occurs after the step of connecting the handle sheet and the carrier sheet.

With respect to claim 4, and the similar recitation in independent claim 8, the Examiner suggests it is merely a matter of routine skill to include a step of forming a third row of apertures. However, this ignores the limitations recited in claims 4 and 8 regarding the positioning of the apertures during the forming step for each row relative to the lines of attachment, including forming one row of apertures between the lines of attachment, and forming a first row and a third row outwardly of the first and second lines of attachment, respectively. The methods recited in claims 4 and 8 are not mere duplications or repetitions of a step or feature, but instead a new and unique method for making a new and unique carrier with three rows of apertures. Nothing in the teachings of Slomski and Broskow suggests a method that includes forming a row of apertures between spaced lines of attachment of a carrier sheet and a handle sheet, and forming two other rows of apertures on opposite sides of the middle row of apertures and separated from the middle row by the spaced lines of attachment.

With respect to claim 5, the Examiner states that Slomski discloses forming holes in a handle sheet simultaneously with forming the apertures, and refers to Fig. 4. However, this ignores the sequence of steps recited in the claims from which claim 5 depends, including the clarification of claim 3, as amended.

With reference to claim 6, the Examiner states that Slomski discloses forming first and second handles in the handle sheet "via multiple forms of 26". In short, the Examiner references two different carriers to provide first and second handles. However, claim 6 and the claims from which claim 6 depends recite "a container carrier". Accordingly, it is a single carrier that includes the "first and second handles" recited in claim 6. It is the structure of a single carrier that includes first and second handles, not multiple carriers each having a handle.

With respect to claim 10, the Examiner states that Slomski "discloses the handle sheet is wider than the carrier sheet via the shaping step". However, in Slomski the handle sheet is connected at the center of the carrier sheet and extends past the edge on one side, without any suggestion that overall it is wider than the carrier sheet. In contrast thereto, claim 10 recites a method including, "**positioning the sheets with first and second margin portions of the handle sheet extending beyond the carrier sheet on opposite sides, and forming handles in the margin portions of the handle sheet outwardly of the carrier sheet.**" Nothing in the teaching of Slomski suggests handles extending beyond opposite sides of the carrier sheet.

Accordingly, applicants respectfully submit that the dependent claims discussed in detail above, including at least dependent claims 3, 4, 5, 6 and 10 are each patentable over the prior art based on the merits of the additional recitations recited therein. Reconsideration and allowance are respectfully requested.

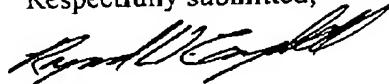
For the foregoing reasons, Applicants submit that no combination of the cited references teaches, discloses or suggests the subject matter of the amended claims. The pending claims are therefore in condition for allowance, and Applicants respectfully request withdrawal of all rejections and allowance of the claims.

In the event Applicants have overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicants hereby conditionally petition therefor and authorizes that any charges be made to Deposit Account No. 20-0095, TAYLOR & AUST, P.C.

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Should any question concerning any of the foregoing arise, the Examiner is invited to telephone the undersigned at (260) 897-3400.

Respectfully submitted,



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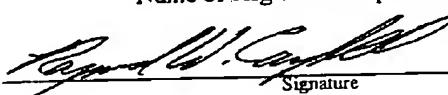
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